

NEW, TAYLOR & Associates

Stephen P. New
steve@newtaylorlaw.com

Russell A. Williams
russell@newtaylorlaw.com

430 Harper Park Drive, Beckley, WV 25801
230 Capitol Street, Charleston WV 25301
(304) 250-6017 (304) 250-6012
www.newtaylorlaw.com

Amanda J. Taylor
mandy@newtaylorlaw.com
Emilee B. Withrow
emilee@newtaylorlaw.com

March 6, 2023

Via Certified Mail 7022 2410 0000 9873 7151

William K. Marshall, III, Commissioner
West Virginia Division of Corrections and Rehabilitation
1409 Greenbrier Street
Charleston, West Virginia 25311

Re: Letter of Representation and Evidence Preservation Notice

Client: Alvis Ray Shrewsbury
DOB: 09/30/1976
DOD: 09/17/2022
Location: Southern Regional Jail

Dear Commissioner Marshall:

Please be advised that I have been retained to represent the Estate of Alvis Ray Shrewsbury (“Mr. Shrewsbury”) in connection with his death at Southern Regional Jail on September 17, 2022. Please direct all future correspondence to me.

Also, please allow this letter to serve as written notice that the West Virginia Division of Corrections and Rehabilitation has an affirmative duty to preserve all evidence regarding the incarceration Mr. Shrewsbury at Southern Regional Jail. I hereby request that you preserve — and not destroy or alter in any way — any and all such evidence, including but not limited to, all documents, reports, logs, forms, communications (letters, memos, notes, e-mail, text messages, etc.), complaints, grievances, requests, photographs, written or recorded statements, video recordings (including surveillance, kiosk, and FaceTime recordings), audio recordings (including telephone recordings), and any other tangible thing referring or relating to Mr. Shrewsbury.

We also demand that you preserve all electronic data regarding the incarceration of the Mr. Shrewsbury at Southern Regional Jail. Be advised that we consider electronic data to be a valuable and irreplaceable source of discoverable information. As you know, electronic information is subject to discovery in litigation and is admissible at trial.

Electronic data includes, but is not limited to, originals and all copies of electronic mail (“e-mail”); activity listings of electronic mail receipts and/or transmittals; voicemail; audio or video recordings of any kind; computer programs (whether private, commercial or a work-in-progress); programming notes or instructions; output resulting from the use of any software



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program, including word processing documents, spreadsheets, database files, charts, graphs and outlines; operating systems; source code of all types; PIF files; batch files; ASCI files; and all miscellaneous electronic files and/or file fragments, regardless of the media on which they are stored and regardless of whether the data resides in an active file, deleted file or file fragment. Electronic data includes any and all information stored in hard disks, floppy disks, CD-ROM disks, Bernoulli disks and their equivalents, magnetic tapes of all kinds and computer chips (including but not limited to EPROM, PROM, RAM and ROM). Electronic data also includes the file, folder tabs, containers or labels appended to any storage device containing electronic data. Electronic data also includes text messages, both on Division issued and personal electronic devices.

Until a full and complete backup of all electronic data can be completed, we request that you refrain from:

1. Initiating any procedures which would alter any active, deleted, or fragmented electronic data. Such procedures may include, but are not necessarily limited to, deleting or attempting to delete any electronic information, saving newly created files to disks that already contain information, loading new software on such disks or running data compression or de-fragmentation (optimization) routines on them;
2. Rotating, altering, or destroying any media that stores electronic data where such activity could result in the alteration or loss of any electronic data;
3. Disposing of or destroying any media that contains electronic data; and
4. “Writing over” any electronic data.

I intend to pursue early discovery into the West Virginia Division of Corrections and Rehabilitation’s electronic information and compliance with its obligation to preserve relevant evidence. If we discover that appropriate steps have not been taken to preserve this crucial data and that any of it has been lost as a result, we will seek appropriate relief from the Court. With that said, please place your insurance carrier on notice.

I would like to thank you in advance for your time and assistance in this matter. If you should have any questions, please feel free to contact my office.

Very best regards,

Russell A. Williams

Russell A. Williams, Esq.

